

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CHICAGO INSURANCE COMPANY,  
Petitioner,

-v-

GENERAL REINSURANCE  
CORPORATION and SCOR  
REINSURANCE COMPANY,  
Respondents.

18-CV-10450 (JPO)

ORDER

J. PAUL OETKEN, District Judge:

On November 11, 2019, Petitioner filed a letter motion to stay this Court's October 22, 2019, Opinion and Order. (Dkt. No. 53.) For the reasons that follow, the motion to stay is denied.

When a district court decides whether to grant a stay, "whether the stay applicant has made a strong showing that he is likely to succeed on the merits" and "whether the applicant will be irreparably injured absent a stay" are the "most critical" factors to be considered. *Meyer v. Kalanick*, 203 F. Supp. 3d 393, 395 (S.D.N.Y. 2016) (quoting *Nken v. Holder*, 556 U.S. 418, 434 (2009)). Here, for the reasons that undergird this Court's opinion and order (see Dkt. No. 50), Petitioners have failed to make the requisite strong showing of likelihood of success on the merits. And Petitioner has offered no case law that persuades this Court otherwise.

Further, the notion that Petitioner may have to expend time and financial resources litigating before the 2017 arbitration panel is not legally cognizable as an irreparable harm. In the Second Circuit, "it is well settled that '[t]he monetary cost of arbitration . . . does not impose [a] legally recognized irreparable harm.'" *Rice Co. v. Precious Flowers Ltd.*, 2012 WL 2006149, at \*6 (S.D.N.Y. June 5, 2012) (quoting *Emery Air Freight Corp. v. Local Union 295*, 786 F.2d

93 (2d Cir. 1986)) (alterations in original). Because Petitioner has pointed to no other potential source of irreparable harm, this Court finds none.

Accordingly, Petitioner's motion to stay is DENIED. The Clerk of Court is directed to close the motion at Docket Number 53.

SO ORDERED.

Dated: November 14, 2019  
New York, New York



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J. PAUL OETKEN  
United States District Judge